

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 2, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, June 2, 2003, at 9:00 a.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith -----4.

ABSENT: Council Members Alfred T. Dowe, Jr., Linda F. Wyatt and Vice-Mayor C. Nelson Harris-----3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe and Wyatt were not present when the vote was recorded.) (Vice-Mayor Harris was absent.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711(A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----4.

NAYS: None-----0.

(Council Members Dowe and Wyatt were not present when the vote was recorded.) (Vice-Mayor Harris was absent.)

At 9:05 a.m., the Mayor declared the meeting in recess.

The Council meeting reconvened at 9:10 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris.

ITEMS LISTED ON THE 2:00 P.M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

Mr. Bestpitch inquired about agenda item 6.b.2., which is a report of the Director of Finance recommending authorization for refunding Series 1994 and 1999 General Obligation Bonds. The Director of Finance responded that certain firms in the Commonwealth of Virginia serve as both financial advisors and bond underwriters, and it has been suggested that it would be in the City's best interest to refund the bonds through local sale if possible, and local companies will have an opportunity to purchase the bonds from the underwriter.

Mr. Cutler referred to agenda item 5.a.4., in connection with a revision to the City Code regarding false fire alarms, and inquired as to how the matter is addressed by other localities outside of the Roanoke Valley.

The City Manager advised that it is standard procedure for urban communities to require registration, as well as fines for multiple alarms. She called attention to the amount of time spent by City staff responding to a false alarm and the number of hours involved in manning a location until a responsible agent of the owner arrives on the scene to reset the alarm, or to take responsibility, which is also time that fire companies and police officers are not available to respond to other kinds of activity. She stated that it is intended to engage in an exhaustive education process, through significant public advertisements, and the recommendation represents another way to better manage existing City resources.

The Mayor inquired as to how much additional revenue will be generated to the City as a result of the registration fee, and if there should be an offsetting reduction to affected parties; whereupon, the City Manager advised that the fine is recommended with the goal of encouraging persons to maintain their alarm systems, in order to prevent multiple false alarms in any given year; and since the program is not recommended to be implemented until January, 2004, revenues from registration fees and service charges were not included as a component to balancing the fiscal year 2004 budget. She stated that it is anticipated that there will be a better understanding of funds to be generated in fiscal year 2005.

Mr. Fitzpatrick called attention to the number of fire calls from Carilion Roanoke Memorial Hospital, and taking into consideration the amount of manpower expense on the City's part, the City Manager's recommendation is a minimum of what should be done, because there should be responsibility on both sides. He called attention to the value of E-911, because prior to installation, at least 50 per cent of persons reporting emergency situations provided an incorrect address, therefore, 911 has decreased the City's costs.

Mr. Bestpitch spoke in support of tracking the number of false alarms after January 1, 2004, so that the City will know if it is dealing with a fairly widespread problem, or a small number of people who tend to pay the fee and continue to create the same problems. In that context, he referred to parking ticket violations and those persons who are repeated offenders, and inquired if there is a way to increase fines following receipt of a certain number of parking tickets on the basis of a graduated scale.

The City Manager advised that the parking ticket violations issue has been discussed; however, computerized access to previous violation information will be necessary. She stated that the goal is to acquire hand held ticket writing systems that will provide information on prior violations, with the capability of giving a warning for the first incident and multiple violations would invoke higher fines. She stated that another idea under consideration is to “boot” the vehicle after a certain number of unpaid parking violations so that the vehicle could not be moved until outstanding parking tickets are paid. She explained that various ideas are under consideration by City staff in an effort to be both more user friendly to the casual visitor to the downtown area, while sending a clear message to those persons who receive citations on a regular basis. She advised that a system should be implemented within the current calendar year, specifications have been drafted, and systems currently exist in a number of other localities.

Mr. Cutler inquired if Council Members have questions in regard to agenda item 5.b.; i.e.: support of rail alternatives to complement planned improvements to I-81; whereupon, the Mayor expressed concern with regard to any derailment of improvements to the I-73 corridor.

The City Manager advised that recent information suggests that the Virginia Department of Transportation is beginning to redirect certain funding from I-73 to improvements on Route 220, which have been identified by VDOT as necessary improvements to certain dangerous sections of Route 220 that create grave concerns, and will continue to create problems and concerns for local traffic, regardless of what may or may not happen at some point in the future for the I-73 corridor. She stated that it may not be correct to say that improvements to I-73 have been derailed through the process, and those persons who live on and travel Route 220 on a regular basis may benefit in the not too distant future.

Mr. Cutler, Council’s liaison to the Roanoke Arts Commission, requested clarification with regard to the master plan for local arts and cultural organizations which could be funded through either a tax earmarked for an arts or cultural district, or refund of a portion of the admissions tax. He also referred to discussions regarding a public art plan as an addendum to the City’s Comprehensive Plan to address planning and provision of public art for the City of Roanoke.

The City Manager advised that when Council met with the Roanoke Arts Commission approximately one year ago, the Chairman and others stated that the Arts Commission would like to produce an arts plan that would become a part of the City’s Comprehensive Plan; however, at that time, the Arts Commission made no request for funding from the City. She stated that the Arts Commission should present specific proposals with regard to both plans to the Council for consideration.

Mr. Fitzpatrick spoke in regard to an arts district which could be voted on as a referendum issue by the citizens to determine if they want State funding to be used for arts and cultural purposes.

The City Manager responded that because the City of Roanoke is the urban center of the region, it provides not only the arts and cultural attractions, but oftentimes, has the burden of supporting those attractions that benefit the entire community. She stated that the issue should become a regional agenda item, and not solely a City of Roanoke agenda item, especially in view of challenges over the past several years with State budget reductions. She added that when reviewing the City's contributions, versus neighboring jurisdictions to cultural activities, it is unfair for the issue to be initiated at the City Council level, and suggested that Council Members encourage their Roanoke Valley counterparts at regional meetings to discuss the issue.

BRIEFINGS:

City Market Handbook:

CITY MARKET HANDBOOK AND ORDINANCE: David Diaz, President, Downtown Roanoke, Inc. , introduced Helen Butler, Chair, Downtown Roanoke, Inc.; Dennis Traubert, member of the Rules Committee; Mark Woods, a market vendor and Chair of the Rules Committee and a fifth generation farmer on the Farmer's Market; and Larry Black, Market Manager.

Mr. Diaz advised that Roanoke's City Market is special, not only because it is located in the heart of downtown Roanoke, but also because of the variety of goods that are sold on the market. He stated that Market challenges include the ability to recruit new vendors, outdated management tools which will be addressed in a proposed ordinance; and a need to improve communication with vendors, with the challenge of retaining current vendors, while increasing the number of permanent vendors and attracting new vendors. In order to address challenges, he stated that meetings were held with vendors to obtain their input, a new Market Manager was hired, and a Rules Committee was appointed which is composed of diverse members with various perspectives; the Rules Committee approved a draft handbook and ordinance on April 15, 2003, which was mailed to all Market vendors for comment, and the draft handbook was approved by the Executive Committee on May 5 and the DRI Board on May 13, 2003. He highlighted proposed changes, i.e.: a change in market boundaries by establishing the boundary at Jefferson Street; a change in operating hours from mandatory to permissible, which will give the City Manager

more discretion and the power to change operating hours based on when vendors are actually on the Market which is generally from 8 a.m. to 5 p.m.; the importance of attendance by vendors is stressed; authorizes the City Manager to promulgate rules and regulations; implementation of shared permits by market vendors; establishment of guidelines for artisans which is intended to attract vendors that sell quality crafts; a new parking policy for vendors; and revised fees that will require approval by Council.

Ms. Wyatt called attention to the need to provide some type of incentive for the small farmer to sell excess vegetables, etc., on the City Market on a regular basis. She stated that sales by farmers are different from craft sales because the farmer is dealing with perishable or seasonal items, as opposed to the crafts person who can sell his or her wares on any given day.

Dr. Cutler raised a question with regard to coordinating relationships with the Roanoke Valley Convention and Visitors Bureau (RVCVB), the City Market Building, outdoor dining, Event Zone, Local Colors and arts shows, etc.; whereupon, Mr. Diaz advised that information about the City Market is included in the RVCVB Downtown Visitor's Guide; Downtown Roanoke, Inc., is represented on the Market Building Task Force; and the City provides DRI with copies of Assembly Permits issued to Event Zone and other organizations.

Dr. Cutler inquired if efforts have been made to recruit local vineyards to sell grapes and non-alcoholic wines, etc., on the City Market; the number of minority vendors currently operating on the City Market; and efforts if any, to protect prime farm land and orchard land in surrounding localities.

Mr. Dowe inquired if trends have been reviewed that might indicate that there is a decrease in farming which, would also indicate a decrease in market usage. Mr. Diaz responded that a strength of Roanoke's Market is that it provides a regional draw.

Mr. Cutler called attention to previous remarks of Mr. Mark Woods, a long time market vendor, that the number of orchards in his locality has decreased from 13 to two, and stated that an appropriate entity should work with the two orchard owners to help keep them in business through a type of conservation easement that provides for either a payment, or a tax benefit, which will, over the long term, benefit Roanoke's City Market.

Mr. Diaz responded that from a regional perspective, extension agents from Virginia Tech serve as liaison between food, government and individual farmers, and Virginia Tech Extension Agents would be a good ally to work at the City and the County levels to raise discussion among affected parties and the Western Virginia Land Trust.

The City Manager advised that a proposed ordinance will be included on Council's June 16, 2003 agenda for consideration.

Zoning Ordinance Update:

The City Manager advised that considerable staff time has been and will be spent on a Zoning Ordinance update; and on a monthly basis, City staff will provide updates to enable Council to identify those areas that require significant time with staff prior to the public hearing on the Zoning Ordinance revisions.

Brian Townsend, Director of Planning, Building and Development, advised that a 20 person Zoning Ordinance Steering Committee was appointed to address preliminary work leading up to the draft of the new Zoning Ordinance. He reviewed the following draft sections that have been reviewed and discussed by the Steering Committee, with examples of new regulatory concepts being considered and evaluated.

Introduction: Purpose, Applicability, Consistency with Comprehensive Plan, Rules of Construction, Severability

- * Exemption of public utilities and railroad facilities**

Zoning District Base Regulations

- * Establishment of four rather than three single-family residential districts, based on minimum lot sizes of 12,000, 7,000, 5,000 and 3,000 square feet**
- * Establishment of a "Large Site Commercial District"**
- * Creation of overlay districts for the Blue Ridge Parkway Corridor and Environmentally Sensitive Lands**

Regulations for Specific Zoning Districts

- * Development of a user-friendly Use Matrix**
- * Impact of churches permitted by right in residential districts**
- * Regulation of commercial surface parking lots in Downtown District**
- * Dimensional regulations that provide for:**
 - Minimum and maximum front setbacks, including maximum front setbacks that preclude parking in front of buildings in certain commercial districts. Elimination of minimum lot sizes in certain districts**

Supplemental Use Regulations

- * Expanding requirements for cell towers including setbacks, height, co-location and type**
- * Encouraging home occupations while respecting the integrity of residential neighborhoods**

Procedures

- * A tiered approach to posting of signs as public notice of rezoning petitions**
- * Deletion of two-acre or contiguous requirement as condition of petition to rezone to certain districts**
- * Procedure for revocation of special exceptions granted by Board of Zoning Appeals**

Development Standards

- * Within the limits of State enabling legislation, develop regulations to address the height and shielding of outdoor lighting in each district to minimize light spillover to adjacent properties and rights-of-way**
- * Restriction of driveways in terms of width and coverage of front yard**
- * Requirements for surfacing of driveways (pervious and impervious surfaces)**
- * Special regulation of areas within a certain distance of the Roanoke River and its tributary streams to control water quality**
- * Landscaping**

Requirement of foundation planting as well as the landscaping of the perimeters of parking lots

Regulation of tree canopy in the interior of parking lots rather than a percentage of surface landscaped areas

Inclusion of an acceptable plant species list

Tree canopy preservation requirements

Increase of street tree requirements in front yards

Varying sizes of buffer yards, with provisions for larger buffer yards with all plantings or smaller buffer yards with a combination of screening and plantings

*** Parking**

Limiting impervious surfaces by establishing maximum parking ratios based on a percentage of the minimum number of spaces required

Nonconforming Uses

- * Restricting the expansion of nonconformities while recognizing the need for their repair and maintenance in order to avoid blighting situations and problems with lending institutions.**

Administrative Boards, Commissions and Officials

During the month of June 2003:

- * Steering Committee will discuss the following:**
 - Definitions and Rules of Interpretation**
 - Use Patterns**
 - Signs**
 - Method by which permitted sign surface area is calculated**
 - Separating the calculation of freestanding and wall signage**
 - Height considerations and types of signs permitted in each district**

Future Phases of the Project

- * Compilation of a Public Review Document and Map (July 2003)**
 - Steering Committee review of all revised sections of zoning ordinance drafts as a "package"**
 - Revisions and refinement of issues submitted to consultant for inclusion in public review document**
 - Steering Committee review of zoning map**
- * Public Review and Public Input Phase (August-September 2003)**
 - Public workshops throughout City**

- * Review of public review document by initial focus groups
 - Land use attorneys
 - Business interests; Real estate interests
 - Homebuilders/contractors, development sector
 - Signs
 - Neighborhood Leaders
 - City staff, government boards and commissions
 - Preparation of public hearing document (October 2003)
 - Steering Committee review of public comment and input
 - Determination of revisions to public review document
 - Preparation of public hearing document (October 2003)
- * Public hearing and adoption phase (November - December, 2003)

Mr. Townsend addressed the issue of limiting the proliferation of surface parking lots in downtown Roanoke, or more stringent development standards. He stated that the Steering Committee has discussed the issue of commercial parking lots in downtown that are not associated with specific buildings, whether such construction would require a special exception, whether construction would be permitted and if so, specific design standards.

Ms. Wyatt expressed concern with regard to the condition of certain existing downtown parking lots, and inquired if they could be addressed through more stringent development guidelines.

Mr. Townsend responded that current parking lots will be grandfathered and will not be affected by proposed guidelines; however, as parking lots are redeveloped, they will be governed by a set of standards that address paving and landscaping.

Council Members Wyatt and Dowe discussed the issue of parking lots that are over built and the need for minimum surface parking; however, they pointed out that if the amount of surface parking is extremely limited, there could be an impact on economic development. They inquired if the matter has been taken into consideration by the Steering Committee and if input has been invited by local realtors.

Mr. Townsend responded that the Steering Committee is composed of representatives from economic development points of view, architects and engineers, etc., and various proposals are currently under consideration.

With regard to zoning-based district regulations and creation of overlay districts, Mr. Cutler advised that at some time in the future, it would be advantageous to have a map illustrating the location of all drainages, creeks , rivers, etc.

Mr. Fitzpatrick inquired about the status of using utility poles for City signage purposes; whereupon, Mr. Townsend advised that signs in public rights-of-way are addressed under operational policies of the Public Works Department.

Dr. Cutler inquired if a reference will be made to underground utility lines in the zoning ordinance update; whereupon, Mr. Townsend advised that the matter also falls under activities within public rights-of-way, which would be outside of the purview of the Zoning Ordinance, and is addressed under right-of-way management issues.

Mr. Townsend advised that zoning maps are currently updated manually and the Zoning Ordinance revision will be used as an opportunity to convert all hand zoning maps to the GIS system; therefore, by the time the new zoning ordinance is adopted, the City will have a computerized zoning layer that will be administered by the City Planning Department. He stated that the process will allow for more accuracy and during the public hearing phase, provide the ability to more quickly make adjustments to zoning boundaries.

Mr. Cutler advised that he would like to serve on the Zoning Ordinance Subcommittee to replace former Council Member William H. Carder

The City Manager advised that Council Members will receive a hands on demonstration in July, 2003, with regard to accessing the GIS system using personal laptop computers.

When the Zoning Ordinance update is completed, Ms. Wyatt suggested that the occasion be celebrated through special recognition of all persons who were involved in the process.

Mr. Dowe suggested that the Steering Committee review the impact of cell towers.

There was discussion with regard to the regulation of semi trailers, detached from the wheels, which are used by restaurants and commercial establishments for the supplemental storage of non-perishable items.

The City Manager called attention to the importance of revisiting the Comprehensive Plan, the Zoning Ordinance and the Zoning Map every five years, as opposed to every 15-17 years, and to bring other matters to the attention of Council as they arise so as to act in a proactive manner, as opposed to waiting until an incident happens in the community and then engaging in damage control.

With regard to the towing ordinance, which was the subject of a Council public hearing on May 19, 2003, the City Manager advised that the matter will be heard by the City Planning Commission at an upcoming meeting, with further report and recommendation to the Council.

Mr. Townsend advised that a public meeting will be held on Wednesday, June 4, the matter will be considered by the City Planning Commission at its regular meeting on June 19, 2003, with the goal of reporting back to the Council in July.

The Council meeting was declared in recess at 11:35 a.m., for lunch, to be followed by a meeting of the Audit Committee.

The Council meeting reconvened at 1:00 p.m. in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a continuation of the 9:00 a.m., work session. All Members of the Council were present, except Vice-Mayor Harris, Mayor Smith presiding.

Fair Housing Ordinance:

The Assistant City Manager for Community Development advised that on May 5, 2003, Council received an update on the State's new Fair Housing Ordinance and efforts by City staff to work with the Fair Housing Board to update the City's Fair Housing Ordinance. She highlighted portions of a draft ordinance that will be reviewed by the Fair Housing Board at its next meeting, which will be submitted to Council at a later date for consideration and approval.

Ms. Russell reviewed provisions of the proposed measure with regard to composition of the Fair Housing Board; responsibilities of the Board; and responsibilities of the Secretary acting in a conciliation function.

Refinancing Section 108 Loan:

The Director of Finance advised that:

In March 1994, the City borrowed \$6.0 million at six per cent for 20 years under the HUD Section 108 program;

The City utilizes CDBG funds to make annual payments to HUD to repay the loan, the principal balance of which is presently \$4.1 million.

Funds were loaned by the City to Hotel Roanoke, LLC, through the Roanoke Redevelopment and Housing Authority, to help finance the \$27.5 million rehabilitation and restoration of The Hotel Roanoke.

In accordance with the loan agreement, Hotel Roanoke, LLC, makes annual loan repayments to the City to the extent that funds are available; loan repayments from the HRLLC are treated as CDBG program income.

Unpaid amounts accumulate, along with future annual loan payments; at present, unpaid principal and interest from prior years total more than \$1.1 million.

On August 1, 2003, the Section 108 Loan becomes eligible for refinancing, interest savings ranging from \$850,000.00 to \$900,000.00 are expected over the ten year remaining life of the loan.

Lower rates will benefit the HRLLC by decreasing future payment requirements, thereby allowing HRLLC to potentially repay unpaid prior amounts sooner. Thus, annual CDBG program income should increase until cumulative amounts are paid in full.

During a discussion, the City Manager explained that in view of the Friday, May 30, 2003, deadline established by HUD, a Notification of Intent of Interest in Refinancing was executed, in anticipation of approval by the Council.

The City Manager presented an information document with reference to Victory Stadium issues in response to statements made by Citizens for a Sensible Stadium Decision.

The City Manager advised that the two doors to the Municipal Building, adjacent to the Council's parking lot on Second Street, could be marked as handicapped entrance for keyed access only, and inquired if Council Members would like to enter and exit the Municipal Building at the Second Street location, as opposed to the second floor lobby entrance. She stated that alarms will be installed on Municipal Building doors to alert staff in the immediate vicinity when a door that is not identified for ingress and egress is accessed.

The City Manager advised that she was in receipt of a written request by Fiddle Fest for a \$25,000.00 contribution from the City of Roanoke, which is a significantly higher amount than the City has contributed to any organization for an annual or one time event, other than the Virginia Commonwealth Games. She stated that in-kind support and donated services to be provided by City staff will be calculated, and input by the Council is requested.

Question was raised as to the relationship of Fiddle Fest with Event Zone; whereupon, the City Manager advised that there is no relationship at this point, although representatives of Fiddle Fest have been encouraged to contact the Executive Director of Event Zone.

With the establishment of Event Zone, there was discussion as to whether the Special Events Committee should be dissolved; whereupon, it was the consensus of Council that the matter will be researched by City staff.

Following discussion with regard to the request of Fiddle Fest for a \$25,000.00 contribution by the City, the Mayor proposed that Council approve \$12,500.00.

There was discussion as to whether Fiddle Fest representatives have sought corporate sponsorships; whereupon, the City Manager referred to a communication from Fiddle Fest in which it is noted that they have received both cash contributions and in-kind contributions.

Mr. Cutler stated that before authorizing City funds, Fiddle Fest should provide a business plan, a budget, a list of anticipated expenses, sources of income, and information on any type of fund raising campaign initiated by the organization.

If the City authorizes a financial contribution to Fiddle Fest, some Council Members expressed concern as to the perception by organizations such as Local Colors, the Henry Street Festival and others that have held successful events over the years without financial assistance from the City, except in-kind contributions.

Council took no official action on the request of Fiddle Fest for a \$25,000.00 contribution from the City of Roanoke.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m.

At 2:00 p.m., on Monday, June 2, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Linda F. Wyatt and Mayor Ralph K. Smith -----6.

ABSENT: Vice-Mayor C. Nelson Harris-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by Father Dean Nastos, Pastor, Holy Trinity Greek Orthodox Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENT:

ACTS OF ACKNOWLEDGMENT-WATER RESOURCES: Mary Terry, Executive Director, Southeast Rural Community Assistance Project, Inc., presented an award to the Mayor, on behalf of the City of Roanoke, in recognition of the City's efforts to provide safe drinking water to the citizens of Roanoke.

ACTS OF ACKNOWLEDGMENT-RAILSIDE LINEAR WALK: On behalf of the City of Roanoke, the Mayor advised that on May 22, 2003, he was honored to accept an Honorable Mention Award for Excellence in Architecture in design of the Railside Linear Park from the AIA Blue Ridge, American Institute of Architects.

ACTS OF ACKNOWLEDGMENT: The Mayor advised that on May 28, 2003, on behalf of the Members of Council, be presented a Shining Star Award to Sharon McGhee, 911 Dispatcher, in recognition of her assistance in connection with resuscitating a child in a potential drowning incident.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, December 4, 2000; Monday, April 21, 2003; the Leadership Summit held on Friday, April 11, 2003, and the City Council Personnel Committee held on Monday, April 21, 2003, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-EASEMENTS-INVITATIONS: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on proposed conveyance of property rights and encroachments into public right-of-way, was before Council.

The City Manager requested that a public hearing be advertised for the regular meeting of Council to be held on Monday, June 16, 2003, at 7:30 p.m., in connection with conveyance of City-owned property and encroachment into public right-of-way on Hamilton Terrace, S. E.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request from the Lutheran Nursing Homes of Virginia LLC, a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Virginia Lutheran Nursing Homes-Brandon Oaks LLC, a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Presbyterian Community Center, Inc., a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that a public hearing be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

TAXES: A communication from the City Manager advising that pursuant to requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on a request of the Blue Ridge Small Business Center, Inc., a non-profit organization, for tax exemption of certain property in the City of Roanoke, was before Council.

The City Manager requested that Council authorize a public hearing to be advertised for Monday, June 16, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-COMMITTEES-CITY COUNCIL: A report of qualification of Beverly T. Fitzpatrick, Jr., as a Member of the Council of the City of Roanoke, to fill the unexpired term of William H. Carder, resigned, ending June 30, 2004, was before the body.

Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE

PETITIONS AND COMMUNICATIONS:

COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from Council Member William D. Bestpitch transmitting a measure recommending reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates (RNA), which sets forth the objectives, duties and responsibilities of the RNA, and repeals Resolution No. 25394, effective July 1, 2003, was before Council.

Mr. Bestpitch advised that the Roanoke Neighborhood Partnership, a public/private partnership including neighborhood, business, civic and human services agencies and the City government, has been actively involved in supporting community activities since 1980; the partnership has grown from the initial four neighborhood groups to an active membership of 32 neighborhoods and two business organizations; and the Partnership has evolved from its initial role of

supporting and developing organizations to providing technical assistance on a range of projects, such as creation of neighborhood development corporations, neighborhood watch programs, leadership training, grant writing, and self-sufficiency.

It was further advised that on December 17, 2001, Council concurred in the formation of an ad hoc study committee to review the design, role and responsibilities of the RNPSC; current RNPSC Chair, Carl Cooper, RNPSC members, Robin Murphy-Kelso and Paula Prince, Council Member Bestpitch and former Council Member Bill Carder served on the study committee, with staff support from Assistant City Manager, Rolanda Russell, and Roanoke Neighborhood Partnership Coordinator, Stephen Niamke; the Ad Hoc Study Committee held public hearings and met with the RNPSC to reach consensus on the proposed mission and goal of the reconstituted organization; the Ad Hoc Committee also worked with the City Attorney's Office to draft a proposed resolution; and the first task of the proposed Roanoke Neighborhood Advocates will be to develop a set of by-laws outlining its mode of governance and operating rules, which by laws are to be submitted to Council for endorsement no later than December 31, 2003, and thereafter be made available to interested neighborhood organizations and the general public.

Mr. Bestpitch offered the following resolution:

"A RESOLUTION providing for the reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates (RNA), stating the objectives, duties and responsibilities of the RNA, and repealing Resolution No. 25394, effective July 1, 2003."

The motion was seconded by Ms. Wyatt.

Mr. Bestpitch advised that even though activities of the Roanoke Neighborhood Partnership have evolved considerably over more than 20 years, appropriate direction from the Council and authority to address certain issues has not been established; therefore, the Council concurred in the formation of the Ad Hoc Study Committee in December 2001. He explained that the study process consisted of two public hearings which included input from a number of neighborhood leaders; and the steering committee held a weekend retreat at which time it took input from the community and developed recommendations for the Ad Hoc Steering Committee. He further advised that the Ad Hoc Committee relied on input that was received at the public meetings from neighborhood leaders and recommendations from current membership of the steering committee, and agreed to present a resolution to Council outlining many of those things that neighborhood organizations want to do and have

been doing in terms of duties and responsibilities. He explained that the major recommended change is to reduce membership of the steering committee from 30 to a more manageable number of 13 members, seven of whom will be appointed by the Council, with the remaining six to be chosen by the seven members that Council appoints to what will be known as the Roanoke Neighborhood Advocate (RNA).

Ms. Estelle McCadden, 2128 Mercer Avenue, N. W., expressed concern that neighborhood leaders were not involved in the process. She stated that the Roanoke Neighborhood Partnership Steering Committee was established to work for neighborhood organizations, and for the betterment of the City of Roanoke; however, its goal has not been achieved for a number of years. She further stated that neighborhood leaders should have been briefed on the proposed resolution prior to its submittal to the Council for approval. Therefore, she requested that action on the resolution be deferred to provide time for briefings and input by Roanoke's neighborhood organizations.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., concurred in the remarks of Ms. McCadden. She stated that once again it appears that items are brought before the Council without explanation to those persons who are directly affected. Therefore, she asked that Council delay its vote on the proposed resolution until those persons who are directly involved have been given an opportunity to discuss the recommendation of the Ad Hoc Committee. In appointing the proposed Roanoke Neighborhood Advocates, she asked that Council give specific consideration to the method of appointment; i.e.: Council will appoint seven members and the committee will appoint only six.

In clarification, Mr. Bestpitch stated that the resolution does not create roles and responsibilities of individual neighborhood organizations, since neighborhood organizations operate independently; and there is no chain of command between the Presidents Council and the City of Roanoke, since the Presidents Council functions independently of the City of Roanoke, with a type of informal network or coalition of representatives. He stated that City staff has attended and provided technical assistance at a number of Presidents Council meetings; and a number of persons attend steering committee meetings and meetings of the Presidents Council on a regular basis, therefore, ample opportunities have been provided for information sharing provided. He advised that the content of the proposed resolution includes those recommendations that were received during the public input process by neighborhood leaders.

Ms. Wyatt advised that it was her understanding that the Presidents Council was initially established primarily because the Roanoke Neighborhood Partnership Steering Committee had become rather large in number and to ensure that the same information was disseminated to all neighborhood groups. She added that although there may not be a formal relationship between the City of Roanoke and the Presidents Council, a relationship has existed over the past several years that has been beneficial to both the City of Roanoke and to the various neighborhood organizations.

Mr. Dowe advised that the Roanoke Neighborhood Partnership Steering Committee served as the one accountability that neighborhoods had to the City of Roanoke and, in some respects, the one accountability that the City had to the neighborhoods; and the importance of the organization increased to the point that it was necessary to create the Presidents Council, because of not only the size of the Neighborhood Partnership Steering Committee, but to increase accountability. He stated that since the Ad Hoc Steering Committee process has been ongoing for approximately 18 months, it would be appropriate to make a concerted effort to include the Presidents Council; from a proactive standpoint, including as many stakeholders as possible will not do harm to the process, and allowing the proposed Roanoke Neighborhood Advocates to select six of its members will provide more leverage from the side of the neighborhoods.

Mr. Dowe offered a substitute motion that action on the resolution be tabled for 30 days to provide time for input by the Presidents Council/neighborhood leaders. The motion was seconded by Ms. Wyatt and adopted, Council Member Bestpitch and Mayor Smith voted no.

STATE HIGHWAYS-RAIL SERVICE: A communication from Council Members William D. Bestpitch and M. Rupert Cutler advising that at the Council meeting on Monday, March 17, 2003, Star Solutions and Fluor addressed Council with regard to Interstate 81, and proposals were submitted to the Virginia Department of Transportation to expand the number of lanes and other appurtenances on I-81, was before Council. It was noted that minimal rail freight proposals included in the Star Solutions and Fluor Public Private Partnership Act proposals do not adequately address rail freight potential in the whole I-81 corridor.

Council Members Bestpitch and Cutler recommended that Council adopt a resolution petitioning the development and promotion of rail freight and passenger service parallel to I-81, to complement limited highway-widening and to move a large volume of the long-distance freight traffic from trucks on I-81 to freight trains on dual track, high-speed rails parallel to I-81.

Mr. Cutler offered the following resolution:

(#36352-060203) A RESOLUTION supporting rail alternatives to complement planned improvements to I-81.

(For full text of Resolution, see Resolution Book No. 97, page 322.)

Mr. Cutler moved the adoption of Resolution No. 36352-060203. The motion was seconded by Mr. Bestpitch.

Mr. Robert B. Manetta, 2831 Stephenson Avenue, S. W., advised that the last time the United States made a significant change in its transportation policy involving freight was development of the interstate system in the 1950's, which policy has been in effect for approximately 50 years. He further advised that Congressman Don Young, Chair, House Transportation Infrastructure Committee, is a proponent of "toll truck ways", which proposes long distance inner-city toll truck lanes that would be added to existing interstates and involve separating trucks with separate exits, and concrete barriers. He added that when combined, the combination vehicles would weigh approximately 80,000 pounds each, as compared to the standard truck trailer combination of about 26,000 pounds.

Mr. Manetta quoted from a May 5, 2003, Roll Call article, in which Congressman Young stated, "I have released one pilot project where we have exclusive right-of-way for trucks, but it has to be a toll road to help pay for it. The first one I want to do is in Virginia, it is close enough to where the rest of my Congressional friends can see it, and once they see it, they will mandate it across this Country". He stated that Congressman Young has pledged \$1 billion, which was earmarked to fund the first Truck Toll Way pilot project in Virginia; however, an alternative to the proposal is proposed by a group known as the American Association of State Highways and Transportation Officials (AASHTO), which acknowledges that the highway system is increasingly congested, domestic freight tonnage will increase 57 per cent by the year 2020, and import/export tonnage will increase by almost 100 per cent. He further stated that social, economic and environmental costs of adding new highway capacity are prohibitively high in many areas; while the current market driven evolution of the freight rail system in the U. S. can accommodate some of the forecasted freight growth, it will relieve little of the forecasted congestion on the highway systems; and there is a need for a level of investment that is greater than the railway systems are capable of funding on their own, which is approximately \$4 billion a year in improvements. He noted that AASHTO asserts that over a 20 year period, an aggressive investment would require

public investments of over \$4 billion a year, would save shippers \$401 billion, highway users \$635 billion, and highway costs of \$27 billion; and providing for increased levels of investment and realizing the public benefits of a stronger freight rail system at a national level will require new partnerships among railroads, states and the Federal Government. He stated that the Commonwealth of Virginia has the opportunity along Interstate 81 to implement a new transportation policy that takes a new step through advanced technologies that will provide faster tracks and newer technologies. He advised that the question is: is it more advantageous to have a system that is based on rail or a system based on large trucks. He lended his support to the proposed resolution requesting that the Governor strongly consider a rail component to the I-81 solution.

Resolution No. 36352-060203 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-CIRCUIT COURT-GRANTS: A communication from Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments, which include Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, Law, Chancery, and Criminal Orders; all of which must be maintained and be available to the public, was before Council.

It was further advised that the Virginia Circuit Court Records Preservation Program of the Library of Virginia has awarded the City of Roanoke Circuit Court Clerk's Office a grant to provide a Digital Closed Circuit TV Monitoring and Recording System; and the system is a much needed addition to continuing efforts of the office to provide the maximum protection possible, not only for records (most of which are to be retained permanently), but for employees as well.

It was explained that bids were received for both a Fire Detection System and a Monitoring System; following review of the bids, the Library of Virginia elected to fund only the Monitoring System at this time; from the bids submitted, the Library of Virginia has selected Hudson-Payne Electronics Corporation to provide a Digital Closed Circuit TV Monitoring and Recording System; and awarded a grant in the amount of \$17,162.00 for purchase and installation of the system, with no matching local funds required by the City of Roanoke.

The Clerk of Circuit Court recommended that he be authorized to execute the grant agreement, to be approved as to form by the City Attorney; and that the Director of Finance be authorized to establish a revenue estimate in the amount of \$17,162.00 in the Grant Fund and appropriate funds to an expenditure account entitled, "Virginia Court Records Grants."

A communication for the City Manager concurring in the recommendation of the Clerk of Circuit Court, was also before Council.

Mr. Dowe offered the following budget ordinance:

(#36353-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 323.)

Mr. Dowe moved the adoption of Ordinance No. 36353-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36354-060203) A RESOLUTION authorizing acceptance of a grant award from the Virginia Circuit Court Records Preservation Program of the Library of Virginia, to the Clerk of the Circuit Court for the purchase and installation of a Digital Closed Circuit Television Monitoring and Recording System, and authorizing the Clerk of the Circuit Court to execute any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of Resolution, see Resolution Book No. 97, page 325.)

Mr. Dowe moved the adoption of Resolution No. 36354-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-STATE COMPENSATION BOARD-CIRCUIT COURT: A communication from Arthur B. Crush, III, Clerk of Circuit Court, advising that the Clerk of the Circuit Court is responsible, by statute, for the recordation of legal instruments, which include Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills and other Probate Records, and Law, Chancery and Criminal Orders, all of which must be maintained and be available to the public, was before Council.

It was further advised that the Compensation Board, through the Technology Trust Fund, has made available funds to be allocated toward contractual obligations for those offices that have indicated that funds are needed; and the Circuit Court Clerk's Office for the City of Roanoke has been allocated for reimbursement in the amount of \$20,901.00, and acceptance of the funds is vital to meeting year end budget obligations of the Circuit Court Clerk's Office.

The Clerk of Circuit Court recommended that the City Manager be authorized to accept funds from the Compensation Board Technology Trust Fund, in the amount of \$20,901.00; and that the Director of Finance be authorized to establish a revenue estimate in the Grant Fund in the amount of \$20,901.00, and appropriate same to an account to be established entitled, Circuit Court technology Trust Funds Fiscal Year 2003.

A communication from the City Manager recommending that Council concur in the recommendation of the Clerk of Circuit Court, was also before the body.

Mr. Fitzpatrick offered the following budget ordinance:

(#36355-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 326.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36355-060203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#36356-060203) A RESOLUTION authorizing acceptance of funds from the Commonwealth of Virginia Compensation Board through the Technology Trust Fund, to provide reimbursement to the Clerk of the Circuit Court for contractual obligations providing technology services, and authorizing the Clerk of Circuit Court to execute any and all necessary documents to comply with the terms and conditions as required for such reimbursement.

(For full text of Resolution, see Resolution Book No. 97, page 327.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36356-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith -----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

REPORT OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE

ITEMS RECOMMENDED FOR ACTION:

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$322,482.00, was established by Council with adoption of the General Fund budget for fiscal year 2003-04, the total of

which represents an increase in funding of \$33,370.00; requests from 16 agencies, totaling \$452,750.00 were received; and committee members studied each application prior to an allocation meeting which was held on April 1, 2003, and agencies were notified of tentative allocations and advised that they could appeal the recommendation, however, no appeals were filed.

The City Manager recommended that Council authorize transfer of \$322,482.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission Agency Funding Advisory Committee budget by the Director of Finance for fiscal year 2003-04.

Mr. Cutler offered the following budget ordinance:

(#36357-060203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 328.)

Mr. Cutler moved the adoption of Ordinance No. 36357-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-PARKS AND RECREATION-WATER RESOURCES: The City Manager submitted a communication advising that on an annual basis, the Department of the Interior appropriates Federal Land and Water Conservation Funds (LWCF) to State governments for both acquisition and development projects relating to parks and outdoor recreational facilities; and for the fiscal cycle 2002-03, the Virginia Department of Conservation and Recreation authorized \$2,000,000.00 to local governments to be awarded through the Virginia Outdoors Fund (VOF).

It was further advised that the Department of Parks and Recreation, in partnership with both the Washington Park Alliance for Neighborhoods and the Roanoke Valley Greenways Commission, submitted a matching grant proposal for funding for creation of the Brown-Robertson Neighborhood Park on an 8.36-acre tract of land formerly known as Shadeland; within the initial phase of Roanoke's park improvement process, \$100,000.00 was dedicated toward development of the park, and such funds will be used as the City's matching component to receive an additional \$81,000.00 LWCF funds; and as such, local funding in the amount of \$81,000.00 is available in Account No. 008-620-9744-9001, which will be used for the design and construction process for the park based on what is derived from neighborhood public forums.

It was explained that the 2002 Virginia Outdoors Plan (VOP) identifies that additional neighborhood park facilities are needed in economically challenged communities and where specific neighborhoods have no close-to-home recreational opportunities within walking distance, and typically within five minutes walking distance from one's home.

It was noted that the City of Roanoke has received confirmation from the Commonwealth of Virginia that the City will be the recipient of an \$81,000.00 LWCF award, provided that a supporting resolution by Council is adopted expressing the City's desire to accept and participate in the Land and Water Conservation program.

The City Manager recommended that Council adopt a resolution of support which will address and accept Land and Water Conservation Funding, in the amount of \$81,000.00, for the development of Brown-Robertson Neighborhood Park; and appropriate grant funds and establish a corresponding revenue estimate of \$81,000.00 in accounts to be established by the Director of Finance in the Grant Fund entitled, "Virginia Outdoors Fund Grant", and transfer local matching funds of \$81,000.00 from Account No. 008-620-9744-9001 to the same grant account.

Mr. Dowe offered the following budget ordinance:

(#36358-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 329.)

Mr. Dowe moved the adoption of Ordinance No. 36358-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36359-060203) A RESOLUTION requesting funding from the Virginia Department of Conservation and Recreation ("DCR") to assist in the development of Brown-Robertson Neighborhood Park, and authorizing the City Manager to provide sufficient information and materials and to execute such documents as may be necessary to accept the Virginia Outdoors Fund Grant.

(For full text of Resolution, see Resolution Book No. 97, page 331.)

Mr. Dowe moved the adoption of Resolution No. 36359-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

POLICE DEPARTMENT-CITY CODE: The City Manager submitted a communication advising that during calendar year 2002, Roanoke City Police Officers responded to 7,406 false alarms, or to approximately 20 false alarms per day, 95 per cent of which were business alarms; false alarm calls are directed to the appropriate agency by City dispatchers who expend a considerable amount of time on unnecessary calls for service; safety personnel may respond multiple times for a false alarm at the same location on the same day; false alarms may be due to improperly trained staff, vermin/birds triggering motion sensors, equipment failure, and the weather; and to address the excessive number of false alarms, safety personnel have met and worked with business owners, but the problem of the frequency of false alarms persists.

It was further advised that several localities were surveyed as to how they address false alarms; Roanoke County and the Town of Vinton have enacted ordinances which establish fees to be charged for multiple false alarms; and Roanoke County charges residences and businesses fees of \$25.00 to \$150.00 for false alarms beginning with the fifth false alarm.

The City Manager recommended that Council adopt an ordinance amending the Code of the City of Roanoke (1979), as amended, by adding a new Article II, Security Alarms, to Chapter 23, Police, effective January 1, 2004. It was explained that the proposed ordinance will provide for the regulation of the use and operation of security alarm systems operated by alarm company operators, in order to enhance public safety and to reduce unnecessary expenditure of public resources in response to false alarms; the proposed ordinance would not apply to security alarm systems maintained by governmental agencies or departments; the proposed ordinance will regulate commercial establishments and, to a lesser extent, residential establishments; alarm company operators, as well as businesses on whose premises security alarm systems are maintained, must register with the City and obtain a permit; a registration fee of \$25.00 is required for the first year and \$20.00 annually thereafter; and the registration requirement provides information to the City about the type of alarm system on the premises and the names of persons designated by the business to respond to the alarm system.

It was further explained that any business that fails to register must pay a service charge of \$100.00 for each false alarm and a charge of \$150.00 for the seventh and all subsequent false alarms in a calendar year; registered businesses will not be charged for the first three false alarms during a calendar year, but a service charge of \$25.00 will be imposed for the fourth false alarm, \$50.00 for the fifth false alarm, \$100.00 for the sixth false alarm, and \$150.00 for the seventh and all subsequent false alarms in a calendar year.

It was noted that residences with security alarms will not have to register; no service charge will be imposed upon residential alarm users for the first ten false alarms in a calendar year; excessive residential false alarms (ten in a calendar year) will lead to a mandated examination of the alarm system by a company of the homeowner's choice, or will lead to a site assessment by the Police Crime Prevention Unit; a service charge of \$15.00 will be assessed for the 11th false alarm, \$20.00 for the 12th false alarm, \$25.00 for the 13th false alarm, and \$30.00 for the 14th and all subsequent false alarms in each calendar year, provided the residential alarm system user has had the required inspection after the tenth false alarm; if the residential alarm system user has not complied with the inspection requirements after the tenth

false alarm, all subsequent false alarms in that calendar year will result in a service charge of \$30.00; and the amount of false alarm service charges collected should decrease as owners properly train their staff to operate/arm their security systems, as efforts are initiated to eliminate vermin/other pests, and as motion sensors are repositioned.

Ms. Wyatt offered the following ordinance:

(#36360-060203) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Security Alarms, to Chapter 23, Police; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 333.)

Ms. Wyatt moved the adoption of Ordinance No. 36360-060203. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

CITY CODE-FIRE DEPARTMENT: The City Manager submitted a communication advising that Roanoke Fire-EMS responded to 1,403 calls for electronic fire alarm system activations in 2002, of which approximately 1,300 (95 per cent) of responses were for false alarms, accidental alarms or system malfunctions; and the number of false alarms is increasing and will continue to increase as more businesses install electrical systems.

It was further advised that the County of Roanoke and the Town of Vinton have enacted ordinances that define fees to be charged for multiple false alarms; Roanoke County charges residences and businesses fees of \$25.00 to \$150.00 for false alarms, beginning with the fifth such alarm; and adopting a service charge structure for responses to false alarms to commercial/retail structures will lower false alarm incidents, thereby improving public safety.

It was explained that false alarms substantially impact service delivery, as well as safety to citizens and firefighters; electronic alarms from commercial/retail structures activate a response from three engines, two aerial ladder trucks, and one command officer, and after responding, it is necessary to have fire alarm systems reset; frequently, building representatives do not respond in a timely manner and many do not respond at all; service charges for false alarms will motivate property owners to accept responsibility for their equipment and for the safety of their buildings; and reducing the number of responses to false alarms will also reduce the wear and tear on fire apparatus and the risk of injury to citizens and firefighters.

The City Manager recommended that Council adopt an ordinance amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Fire Alarm Systems, to Chapter 12, Fire Prevention and Protection, effective January 1, 2004. It was explained that the recommended ordinance regulates only commercial establishments; businesses on whose premises fire alarm systems are maintained and alarm company operators must register with the City and obtain a permit; a registration fee of \$25.00 is required for the first year and \$20.00 annually thereafter; the registration requirement provides information to the City about the type of alarm system on the premises and the names of persons designated by the business to respond to the alarm system; any business that fails to register must pay a service charge of \$100.00 for each false alarm and a charge of \$150.00 for the seventh and all subsequent false alarms in a calendar year; and registered businesses will not be charged for the first three false alarms during a calendar year, but a service charge of \$25.00 will be imposed for the fourth false alarm, \$50.00 for the fifth false alarm, \$100.00 for the sixth false alarm, and \$150.00 for the seventh and all subsequent false alarms in a calendar year.

Mr. Dowe offered the following ordinance:

(#36361-060203) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by adding a new Article III, Fire Alarm Systems to Chapter 12, Fire Prevention and Protection; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 341.)

Mr. Dowe moved the adoption of Ordinance No. 36361-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising the Virginia Department of Social Services (VDSS) has recognized that many social services programs are funded with local dollars only when existing budget allocations are exhausted due to lack of State match; VDSS now allows local agencies to develop "Revenue Maximization" Projects to claim Federal reimbursement for local funds; the City of Roanoke has collected \$117,422.00 through Revenue Maximization projects for fiscal year 2003, which amount exceeds the original appropriation by \$73,141.00 for this fiscal year; and Federal reimbursement for "reasonable and necessary" expenditures incurred for the proper administration of social services programs accounts for the majority of the overage.

It was further advised that additional funds reimbursed to a locality as a result of Revenue Maximization shall not be used to replace or supplant funds otherwise appropriated by the locality for human services activities; accordingly, these costs must be separated from traditional costs and expended to address unmet human services needs; and the City of Roanoke will use the funds to better meet the needs of populations that are not fully served by improving utilization management under the Comprehensive Services Act and providing support for a Substance Abuse Counselor in the Court Services Unit.

The City Manager recommended that Council increase the General Fund Revenue estimate by \$73,141.00 to Revenue Maximization Account No. 001-110-1234-0702, and appropriate \$73,141.00 to Account No. 001-630-5315-2010.

Mr. Dowe offered the following budget ordinance:

(#36362-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 348.)

Mr. Dowe moved the adoption of Ordinance No. 36362-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HOTEL ROANOKE CONFERENCE CENTER: The City Manager submitted a written communication advising that the Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke, which is located adjacent to The Hotel Roanoke; the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund entitled, "Hotel Roanoke Conference Center Commission"; the Commission's enabling legislation allows for participating parties to contribute funds to equally the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for proper purposes; the budget must be approved by each of the participating entities; Council included funding in the fiscal year 2003-2004 General Fund adopted budget to be used for such purposes; and The Hotel Roanoke Conference Center Commission recommends adoption by Council of its fiscal year 2003-2004 operating budget.

The City Manager recommended that Council approve The Hotel Roanoke Conference Center Commission budget for fiscal year 2003-2004, appropriate \$212,000.00 to accounts to be established by the Director of Finance in The Hotel Roanoke Conference Center Agency Fund, establish revenue estimates of \$100,000.00, each, for the City of Roanoke and Virginia Tech contributions, and \$12,000.00 from Retained Earnings.

Mr. Fitzpatrick offered the following budget ordinance:

(#36363-060203) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Hotel Roanoke Conference Center Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 349.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36363-060203. The motion was seconded by Mr. Dowe and adoption by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36364-060203) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2003-2004.

(For full text of Resolution, see Resolution Book No. 97, page 350.)

Mr. Dowe moved the adoption of Resolution No. 36364-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing their participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem, and Covington; the Counties of Roanoke, Craig, Botetourt, and Alleghany, and the Towns of Clifton Forge and Vinton and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595; and the State Department of Rehabilitative Services has allocated funds, in the amount of \$14,800.00, for a one-year period to continue local staff support of administration of the Fifth District DSB.

The City Manager recommended that she be authorized to enter into a contract to be approved as to form by the City Attorney, with existing DSB staff support, to continue providing local administrative support; and that Council appropriate \$14,800.00 to an account to be established in a Grant Fund by the Director of Finance, and establish a revenue estimate of the same.

Mr. Dowe offered the following budget ordinance:

(#36365-060203) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 351.)

Mr. Dowe moved the adoption of Ordinance No. 36365-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

Mr. Dowe offered the following resolution:

(#36366-060203) A RESOLUTION authorizing the City Manager to enter into a contract with the Fifth District Disability Services Board ("FDDSB") to provide continuing local administrative staff support; upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 97, page 352.)

Mr. Dowe moved the adoption of Resolution No. 36366-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

ARMORY/STADIUM -LEASES: The City Manager submitted a communication advising that the City of Roanoke is preparing to construct a multipurpose stadium/amphitheater facility off Courtland Avenue; to facilitate construction, a lease is needed for land adjacent to the stadium site for use as a staging area and placement of a construction trailer; and a lease agreement has been reached with property owners, Katherine R. and Dana L. Baker, for a portion of Official Tax No. 3070320.

It was further advised that the proposed lease is for approximately 28,375 square feet for a one year term, with provision that the lease may be extended for up to two additional one year terms, at an annual lease fee of \$7,800.00 for the initial term and \$8,400.00 for the second and third year terms, with funding in Account No. 008-530-9776-9050; and the lease also provides that the tenant will indemnify and hold harmless the landlord against all liability, cost, expense, claims, loss, damage and judgments incurred or suffered by the landlord in connection with the lease.

The City Manager recommended that she be authorized to execute a Lease Agreement with Katherine R. and Dana L. Baker, in a form to be approved by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36367-060203) AN ORDINANCE authorizing the City Manager to enter into a lease agreement with Katherine R. Baker and Dana L. Baker, for approximately 28,375 square feet of Official Tax Map #3070320, adjacent to the stadium site, for use as a staging area and site for a construction trailer for the City's staff and consultants, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 353.)

Mr. Dowe moved the adoption of Ordinance No. 36367-060203. The motion was seconded by Mr. Cutler.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation of Victory Stadium. He referred to the historical value of Victory Stadium and advised that the Federal government played a major role in constructing Victory Stadium in honor of veterans of World War II. He talked about college football games that were played on the Victory Stadium field and Maher Field, which was donated to the City for park purposes by the N & W Railway and, stated that citizens of the City of Roanoke should have the right to vote by referendum on the future of Victory Stadium.

Ordinance No. 36367-060203 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick and Wyatt-----5.

NAYS: Mayor Smith-----1.

(Vice-Mayor Harris was absent.)

BONDS/BOND ISSUES-INDUSTRIES-HOSPITALS: The City Manager submitted a communication advising that the Industrial Development Authority (IDA) adopted a resolution on May 14, 2003, authorizing issuance of up to \$50,000,000.00 for Carilion Health Systems to undertake various construction projects; and approval by Council is required, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906, Code of Virginia (1950), as amended.

The City Manager further advised that in order for such financing to proceed, Council is requested to adopt a proposed resolution.

Mr. Dowe offered the following resolution:

(#36368-060203) A RESOLUTION authorizing, among other things, the issuance of not to exceed \$50,000,000.00 aggregate principal amount of Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group) Series 2003A and Series 2003B to the extent required by Section 147 of the Internal Revenue Code of 1986, as amended. (For full text of Resolution, see Resolution Book No. 97, page 354.)

Mr. Dowe moved the adoption of Resolution No. 36368-060203. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

DIRECTOR OF FINANCE:

AUDITS: The Director of Finance presented the Financial Report for the month of April, 2003.

Question was raised regarding whether Victory Stadium operates at a deficit; whereupon, the City Manager advised that expenses are in the range of \$268,000. 00, and revenue in fiscal year 2002 was approximately \$41,000.00, for a deficit of about \$225,000.00. She stated that the deficit will be higher in fiscal year 2003 because the same level of revenue has not been maintained, while expenses will remain at about the same level.

Mr. Cutler inquired if any of the deficit included funds associated with flood clean up; whereupon, the City Manager advised that no expenses were incurred in fiscal year 2002, and the books have not closed out for fiscal year 2003. She stated that the City has applied to the Federal Emergency Management Association for reimbursement of certain flood related expenses, although no determination has been made; and damage was sustained to the portable stage which is used at the Civic Center, and any damage or repair to items that were stored at Victory Stadium will fall to the individual City departments having responsibility for those items. She advised that figures will be provided to the Council at a later date.

Ms. Wyatt noted that a large portion of flood clean up was performed by City Jail inmates, and asked that those costs be calculated into the overall figures to be provided by the City Manager.

There being no further questions or discussion, without objection by Council, the Mayor advised that the Financial Report for the month of April 2003 would be received and filed.

BONDS/BOND ISSUES -HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA

TECH: The Director of Finance submitted a written report advising that the City of Roanoke issued \$35.8 million of Series 1994 bonds dated January 1, 1994; the bonds were issued to fund various projects, including an expansion of the City Jail, construction of The Hotel Roanoke Conference Center and other infrastructure projects; interest rates on the callable maturities of the bonds range from 4.7 per cent to 5.25 per cent; the City issued \$26,020,000.00 of Series 1999A and \$10,100,000.00 of Series 1999B bonds dated October 15, 1999; the bonds were issued to fund various projects including schools, buildings, storm drains, the Roanoke Higher Education Center, the Johnson and Johnson project and other infrastructure projects; interest rates on the callable maturities of the bonds range from 5.0 per cent to 6.0 per cent; and Morgan Keegan and Co., Inc., has proposed to purchase bonds to refund currently outstanding bonds via a negotiated sale.

It was further advised that based on recent municipal bond interest rates, the City could potentially realize considerable savings by refunding a portion of the 1994 and/or 1999 bonds; resulting savings would be contingent upon combination of the interest rate received on the refunding bonds and the interest rate obtained on the Treasury certificates purchased to fund the escrow to be used to pay current outstanding bonds when the bonds become callable; based upon discussions with the City's financial advisor, BB&T Capital Markets, it is believed that an appropriate level of savings to justify refunding the 1994 bonds would be a net present value amount of \$750,000.00, provided that savings of at least 3 per cent of net present value of the refunded bonds could also be achieved; an appropriate level of savings to justify refunding the 1999 bonds would be a net present value amount of \$500,000.00, provided that savings of at least 4 per cent of net present value of the refunded bonds could also be achieved; since interest rates fluctuate daily, it is imperative to the success of a refunding that the City act quickly once interest rates enable the City to achieve an acceptable level of savings; thus, a negotiated sale, versus an open market competitive sale, can be accomplished in a much shorter timeframe and is deemed more practical; and refunding bonds will be considered additional debt in the context of the City's debt policy and from the rating agencies' perspective only to the extent that a slightly higher level of principal would need to be issued than the amount of bonds being refunded.

The Director of Finance recommended that Council adopt a resolution authorizing the City Manager and the Director of Finance to issue up to \$53 million in refunding bonds to be purchased by Morgan Keegan and Co., Inc.; refunding bonds shall be issued to refund the 1994 bonds if net present value savings of \$750,000.00 and a minimum of 3 per cent of the net present value of the 1994 refunded bonds can be achieved; and refunding bonds shall be issued to refund the 1999 bonds, if net present value savings of \$500,000.00 and a minimum of 4 per cent of the net present value of the 1999 refunded bonds can be achieved.

Mr. Fitzpatrick offered the following resolution:

(#36369-060203) A RESOLUTION authorizing the issuance and sale of not to exceed fifty three million dollars (\$53,000,000.00) principal amount of City of Roanoke, Virginia, general obligation public improvement refunding bonds to Morgan Keegan & Company, Inc., as underwriter; fixing the form, denomination and certain other details of such bonds and delegating to the City Manager and the Director of Finance authority, among other things, to execute and deliver to such underwriter a bond purchase contract by and between the city and such underwriter, to determine the aggregate principal amount of such bonds, the maturity dates of such bonds and the principal amounts of such bonds maturing in each year, the interest payment dates for such bonds and the rates of interest to be borne by such bonds, the redemption provisions and redemption premiums, if any, applicable to such bonds and to appoint an escrow agent for the bonds to be refunded from the proceeds of such bonds; authorizing the preparation of a preliminary official statement and an official statement and the delivery thereof to such underwriter; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing the execution and delivery of an escrow deposit agreement relating to the refunded bonds; authorizing the City Manager and the Director of Finance to appoint a verification agent; authorizing the City Manager and the Director of Finance to designate the refunded bonds for redemption; and otherwise providing with respect to the issuance, sale and delivery of such bonds and the refunding of the refunded bonds.

(For full text of Resolution, see Resolution Book No. 97, page 358.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36369-060203. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick, Wyatt and Mayor Smith -----5.

NAYS: None-----0.

(Council Member Dowe abstained from voting inasmuch as he is employed by Branch Banking and Trust of Virginia.) (Vice-Mayor Harris was absent.)

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

DIRECTOR OF FINANCE-CITY CLERK-BUDGET-CITY ATTORNEY-CITY MANAGER-MUNICIPAL AUDITOR: Mr. Dowe offered the following ordinance establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor and City Clerk for the fiscal year beginning July 1, 2003:

(#36370-060203) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor, and City Clerk for the fiscal year beginning July 1, 2003; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 373.)

Mr. Dowe moved the adoption of Ordinance No. 36370-060203. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

MOTION AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

PURCHASE / SALE OF PROPERTY - EASEMENTS - DONATIONS/CONTRIBUTIONS-WESTERN VIRGINIA LAND TRUST-WATER RESOURCES: Council Member Cutler referred to an article in the June 2, 2003 edition of *The Roanoke Times*, "Task Force aims to send cleaner water to Carvins Cove", which describes the partnership between the City of Roanoke and Director of Utilities, Mike McEvoy, and the Western Virginia Land Trust. He advised that the Western Virginia Land Trust works with land owners on Catawba Creek and Tinker

Creek, where water flows into the Carvins Cove Reservoir, to obtain conservation easements on the creeks, to move cattle out of the creeks and to protect the water supply from agricultural and suburban run-off through voluntary donation, or sale of conservation easements, or development rights along the watershed above Carvins Cove. He expressed appreciation to Mr. McEvoy and to the Executive Director of the Western Virginia Land Trust for this innovative way to protect water quality upstream.

POLICE DEPARTMENT-TRAFFIC-ACTS OF ACKNOWLEDGMENT: Council Member Fitzpatrick called attention to a police officer who was directing traffic at the intersection of Tazewell Avenue and 13th Street, S. E., on Sunday, June 1, 2003, and asked that the police officer be commended for the manner in which she directed traffic.

CITY CODE-UTILITIES: Council Member Fitzpatrick requested that the City Manager report on the City's signage policy; i.e.: utilization of utility poles for display of signage.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

BUDGET-COMPLAINTS-CITY EMPLOYEES-YOUTH-SPECIAL EVENTS-ECONOMIC DEVELOPMENT-RAIL SERVICE: Mr. Robert Gravely, 3360 Hershberger Road, N. W., referred to photographs of various sections of northwest Roanoke and expressed concern that the City of Roanoke is 40 years behind schedule in infrastructure maintenance needs. He stated that the railroad must work with the people and for the people to make rail transportation affordable; affordable housing should be provided for Roanoke's citizens; the pay scale for City employees should be upgraded and not based on a percentage increase; more jobs should be created for Roanoke's residents with wages that make it affordable to live in the City of Roanoke; business and entertainment ventures must be successful in order to attract more people to the Roanoke Valley; more programs should be created for youth leading to gainful employment in the Roanoke Valley; and laws should be enforced that work with the people and for the people.

CITY MANAGER COMMENTS: NONE.

At 3:30 p.m., the meeting was declared in recess for two Closed Sessions.

At 4:05 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that there is a vacancy on the Mill Mountain Advisory Committee and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Louise F. Kegley.

There being no further nominations, Ms. Kegley was appointed as a member of the Mill Mountain Advisory Committee for a term ending June 30, 2004, by the following vote.

FOR MS. KEGLEY: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt and Mayor Smith-----6.

(Vice-Mayor Harris was absent.)

COMMITTEES-FDETC The Mayor advised that there is a vacancy on the Fifth District Employment and Training Consortium (City Manager designee); whereupon, Council concurred in the City Manager's designation of Vickie L. Price, Acting Director of Human Services.

**There being no further business, the Mayor declared the meeting adjourned
at 4:10 p.m.**

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
